GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Backward Classes Welfare Department - Designating the Andhra Pradesh State Commission for Backward Classes, Vijayawada as "DEDICATED COMMISSION" for the purpose of complying the orders of the Hon'ble Supreme Court of India / State Election Commission - Fixing the Terms of Reference – Orders – Issued.

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BACKWARD CLASSES WELFARE (F) DEPARTMENT

G.O.Ms.No.02 **Dated: 30/01/2023**

Read the following:-

1. G.O.Ms.No.61, B.C. Welfare (F) Department, Dt.19-08-2019.
2. G.O.Ms.No.66, B.C. Welfare (F) Department, Dt.30-08-2019.
3. G.O.Ms.No.73, B.C. Welfare (F) Department, Dt.12-09-2019.
4. G.O.Ms.No.10, B.C. Welfare (F) Department, Dt.24-02-2020.
5. G.O.Ms.No.53, B.C. Welfare (F) Department, Dt.05-09-2022.
6. Hon'ble Supreme Court Judgment in W.P.(C) No.356/1994, Dt. 11-05-2010 in Dr. K. Krishna Murthy & Others vs. Union of India; W.P. (C)No.980/2018, Dt. 04-03-2021 & W.P.(C) No.278/2022, Dt. 10-05-2022.
7. From the State Election Commissioner, A.P., Vijayawada vide Lr.No. 130/SEC-B1/2022, Dt.20-07-2022.

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ORDER:

In the reference 1st read above, in exercise of the powers conferred by sub-section (3) of section 1 of the Andhra Pradesh Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes in the State of Andhra Pradesh Act, 2019 (Act 19 of 2019), the Government of Andhra Pradesh has appointed the Commission on 19-08-2019 (Monday), as the date on which the provisions of the said Act shall come into force. Subsequently in the reference 2nd read above, Rules have been made for the above said Commission.

2. In the reference 3rd read above, Government, in consultation and on the recommendation of the Hon'ble Acting Chief Justice of Hon'ble High Court of Andhra Pradesh and in exercise of the powers conferred by clause (a) of sub-section (2) of section 3 and sub-section (1) of section 4 of the Andhra Pradesh Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes in the State of Andhra Pradesh Act, 2019 (Act No. 19 of 2019) have appointed Sri Justice A. Shankar Narayana, former Judge, erstwhile High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh as Chairperson for the permanent Andhra Pradesh State Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes, for a period of (3) three years from the date of assumption of office, on terms and conditions as specified in rule 4 of the Rules to the Andhra Pradesh State Commission for Backward Classes Act, 2019 and subsequently in the reference 5th read above, the services of Sri Justice A.

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Shankar Narayana, former Judge, erstwhile High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh have been continued as Chairperson for the Andhra Pradesh State Commission for Backward Classes for a further period of three (03) more years w.e.f. 20.09.2022.

3. In the reference 4th read above, the following individuals were appointed as members for the Andhra Pradesh State Commission for Backward Classes for a period of three (03) years from the date of assumption of office:

S.No.	Names of the Members
01	Sri Marakkagari Krishnappa (Retd.) District & Sessions Court Judge, Anantapur District
02	Sri Venkata Satya Divakar Pakki State President, BC Development Federation, Andhra Pradesh.
03	Sri Avvaru Musalaiah Member, Akhila Bharatha Padmasali Sangham Committee (Representing Andhra Pradesh)

4. In the reference 6th read above, the Hon'ble Supreme Court of India has directed all the State Governments / UT Administrations to appoint a dedicated Commission to conduct contemporaneous, rigorous, empirical enquiry into the nature and implications of the backwardness qua local bodies, within the State in order to specify the proportion of reservation required to be provisioned local body-wise. Further the Hon'ble Apex Court took a serious note about non-implementation of the Constitution Bench orders on triple test condition, whereby the State Government shall, (i) set up a dedicated Commission to conduct contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua local bodies, within the State; (ii) specify the proportion of reservation required to be provisioned local body wise in light of recommendations of the Commission, so as not to fall foul of over-breadth; and (iii) in any case such reservation shall not exceed aggregate of 50 per cent of the total seats reserved in favour of SCs/STs/OBCs taken together.

5. In the reference 7th read above, the State Election Commissioner, A.P., Vijayawada has requested the Government to take immediate necessary measures to comply with the Judgments of the Hon'ble Supreme Court of India.

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6. In the circumstances stated supra, Government after careful examination of the matter, hereby designates the present Andhra Pradesh State Commission for Backward Classes, Vijayawada as "DEDICATED COMMISSION" for the purpose of complying the orders of the Hon'ble Supreme Court of India / State Election Commission.

7. Further duly complying with the above said orders of the Hon'ble Supreme Court, it is also decided that the tenure of the dedicated Commission shall be co-terminus to the Andhra Pradesh State Commission for Backward Classes already appointed by the Government. Further, the "Terms of References (ToR)" of the said dedicated Commission is fixed as follows in pursuance of the Apex Court Orders:

1. To conduct contemporaneous, rigorous, empirical enquiry into the nature and implications of the backwardness qua local bodies with respect to the backward class of the citizens (Other Backward Classes) within the state;

2. To specify the proportion of the reservation required to be provisioned, local body wise in light of recommendations of the commission so as not to fall foul of over breath;

   and

3. In any case such a reservation shall not exceed aggregate of 50% of the total seats reserved in favour of SCs/STs/OBCs taken together.

8. The Member Secretary, Andhra Pradesh State Commission for Backward Classes, Vijayawada shall take necessary further action in the matter accordingly and shall furnish the Commission's reports/ recommendations to the Government from time to time.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. JAYALAKSHMI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Member Secretary, Andhra Pradesh State Commission for Backward Classes, Vijayawada.

Copy to:-
The Chairperson & Members of Andhra Pradesh State Commission for Backward Classes, Vijayawada.
The State Election Commission, A.P., Vijayawada.
The MA & UD Department, A.P. Secretariat.
The Panchayat Raj & Rural Development Department, A.P., Secretariat.
All Departments in A.P. Secretariat.
The Commissioner & Director of Municipal Administration, A.P., Vaddeswaram.

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The Commissioner of Panchayat Raj & Rural Development, Tadepalli, A.P.
The P.S. to Prl.Secy. to C.M.
The P.S. to Hon'ble Minister (MA &UD).
The P.S. to Hon'ble Deputy Chief Minister (PR&RD)
The P.S. to Hon'ble Minister (BCW).
The P.S to Chief Secretary to Govt.
The P.S to Prl. Secy. to Govt., BCW Dept.
The Finance (FMU-WEL-II) Dept.

SF

//FORWARDED::BY ORDER//

30/12/2015

SECTION OFFICER